WARRANT
for
SPECIAL TOWN MEETING

WEDNESDAY, NOVEMBER 13, 1996

AT THE
WAYLAND HIGH SCHOOL FIELD HOUSE
7:45 PM

ADJOURNED MEETINGS

It is anticipated that, if adjourned meetings are necessary to complete action on these warrants, they will be held on the following dates, subject to Town Meeting approval:

November 14 - Thursday

November 18 - Monday

and thereafter, as may be necessary, on Mondays, Wednesdays and Thursdays as Town Meeting directs.

If you have any questions about the Articles, please attend the Warrant Hearing Wednesday, November 6, 1996, at the Town Building. You may also call the Executive Secretary's office at 358-7755, before Town Meeting time. Hearing time - 8:00 PM.

SPECIAL TOWN MEETING

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WARRANT FOR SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Town of Wayland

* * * WARRANT * * *

To any of the Constables of the Town of Wayland,
Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Wayland, who shall be qualified to vote in accord with the provisions of G.L. Chapter 51, Section 1, to meet in the Field House of the Wayland High School on

WEDNESDAY, NOVEMBER 13, 1996 AT 7:45 PM

Notice: It is the intention of the Finance Committee to request of the Town that if adjourned meetings be necessary to complete the action on the Warrant, they be held Thursday, November 14, 1996 at 7:45 PM

Note Regarding Quantum of Vote: For those articles involving appropriations which are anticipated to be provided by taxation appropriated for another purpose, a majority quantum of vote is indicated. For articles which are anticipated to be funded by borrowing, a two-thirds quantum of vote is indicated.

Certain articles request the action of Town Meeting under its general legislative powers (i.e., to hear and accept reports, to appoint a committee, to adopt a resolution or "sense of the meeting" vote, etc.), and in such cases no particular statute is referenced. Town Counsel has advised that, as a matter of common-law precedent in Massachusetts, such matters are to be decided by a majority vote.

ARTICLE 1: SUPPLEMENTARY APPROPRIATION FOR FISCAL YEAR 1997

Proposed by: Finance Committee *Estimated Cost: $48,000.*

To determine whether the Town will vote to appropriate a sum or sums of money for the operation and expenses of various Town departments for the current fiscal year; to determine whether such appropriations shall be provided by taxation from the Fiscal Year 1997 tax levy, transfer from unappropriated available funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or Federal Government, by borrowing or otherwise; and to determine what Town officer, board, or committee, or combination of them, shall be authorized to expend the money or monies appropriated therefor.

Comments: This article will fund unanticipated needs for the current year as follows:

New Telephone System: The new telephone system costs more to operate than estimated. It is, however, a much improved system with more lines for public and internal access, more effective messaging, and quicker provisioning of modem service.

Temporary Borrowing: These funds will pay the interest on temporary notes used to finance the recreational improvements approved under Article 33 at last spring's Annual Town Meeting. At the time of voting the budget, Article 33 had not been approved, thus no funds were set aside. These temporary loans serve only a few months until the bonds are sold, which will be soon.

Recommendation: The Finance Committee recommends approval. Vote: 4 in favor; 2 absent; 1 recused.

Quantum of Vote: Majority - see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds - see Chapter 44, Section 7.

CURRENT YEAR TRANSFERS FY 97

Telephone - Town Office	*$16,000.00*
Telephone - JCC	*2,000.00*
Debt & Interest:	
Temporary Borrowing -	
Park Repair Bond	*$30,000.00*
TOTAL.....	*$48,000.00*

Source of Funds:
1997 Tax Levy

ARTICLE 2: AMEND GENERAL BY-LAWS RE: POSTING WARRANTS

Proposed by: Town Clerk

To determine whether the Town will vote to amend Article 1., Section 2 of its General By-Laws by adding the words "or Cochituate Post Office" following the words "Cochituate Fire Station."

Comments: Article 1., Section 2 of the Town's General By-Laws deals with the posting of warrants for the annual election and the annual town meeting, and for any special election and any special town meeting. This article seeks to change the location of posting in Cochituate from the Fire station to the Cochituate Post Office.

Arguments in Favor: It is felt that the Fire station is not a location which is frequented by the local residents, and that the Post Office would be a better location for posting.

Arguments Opposed: The Finance Committee is not aware of any.

Recommendation: The Finance Committee recommends approval. Vote: Unanimous.

Quantum of Vote: Majority - see Massachusetts General Laws Chapter 40, Section 21.

ARTICLE 3: TRANSFER LAND FROM BOARD OF HEALTH TO BOARD OF ROAD COMMISSIONERS

Proposed by: Board of Selectmen

To determine whether the Town will vote to instruct the Board of Health, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of a portion or all of the following parcels of land to the Board of Road Commissioners:

(a) the parcel of land on Boston Post Road described in an order of taking dated January 13, 1971, and recorded with the Middlesex South Registry of Deeds in Book 11943, Page 420;

(b) the parcel of land on Boston Post Road described as Lot A in an order of taking dated May 15, 1978 and recorded with the Middlesex South Registry of Deeds in Book 13443, page 177;

(c) the parcel of land on Boston Post Road described as Lot B in an order of taking dated May 15, 1978, and recorded with the Middlesex South Registry of Deeds in Book 13443, Page 177, except for that portion of said Lot B which comprises and lies within the access road to the Wayland Sanitary Landfill as shown on a plan entitled "Plan of Land Prepared for the Special Town Meeting November 13, 1996, Showing Interdepartmental Land Transfers", Scale 1" = 600', dated October 7, 1996, by the Wayland Town Surveyor's Office, a copy of which plan is on file in the Office of the Town Clerk and is reproduced on Page 8 of this warrant;

(d) the parcel of land on Boston Post Road described in an order of taking dated November 15, 1965, and recorded with the Middlesex South Registry of Deeds in Book 11003, Page 389, except for that portion of said parcel which comprises and lies within the access road to the Wayland Sanitary Landfill as shown on a plan entitled "Plan of Land Prepared for the Special Town Meeting November 13, 1996, Showing Interdepartmental Land Transfers", Scale 1" = 600', dated October 7, 1996, by the Wayland Town Surveyor's Office, a copy of which plan is on file in the Office of the Town Clerk and is reproduced on Page 8 of this warrant; and

(e) the parcel of land off River Road shown as Salt Shed Area (Portion of Melone Lot) on a plan of land entitled "Plan of Land Prepared for the Special Town Meeting November 13, 1996, Showing Interdepartmental Land Transfers", Scale 1" = 600', dated October 7, 1996, by the Wayland Town Surveyor's Office, a copy of which plan is on file in the Office of the Town Clerk and is reproduced

on Page 8 of this warrant, being a portion of the parcel of land on River Road described in an order of taking dated March 7, 1971, and recorded with the Middlesex South Registry of Deeds in Book 11977, Page 704, except for that portion of said parcel which comprises and lies within the access road to the Wayland Sanitary Landfill as shown on a plan entitled "Plan of Land Prepared for the Special Town Meeting November 13, 1996, Showing Interdepartmental Land Transfers", Scale 1" = 600', dated October 7, 1996, by the Wayland Town Surveyor's Office, a copy of which plan is on file in the Office of the Town Clerk and is reproduced on Page 8 of this warrant.

Finance Committee Comments: This article transfers control of certain parcels of land from the Board of Health to the Board of Road Commissioners that were inadvertently and mistakenly transferred from the Board of Road Commissioners to the Board of Health at the 1996 Annual Town Meeting as part of a petitioners' article that was cobbled together on Town Meeting floor (passed at the 1996 Annual Town Meeting) transferring the operation of the Sandhill Landfill from the Board of Road Commissioners to the Board of Health.

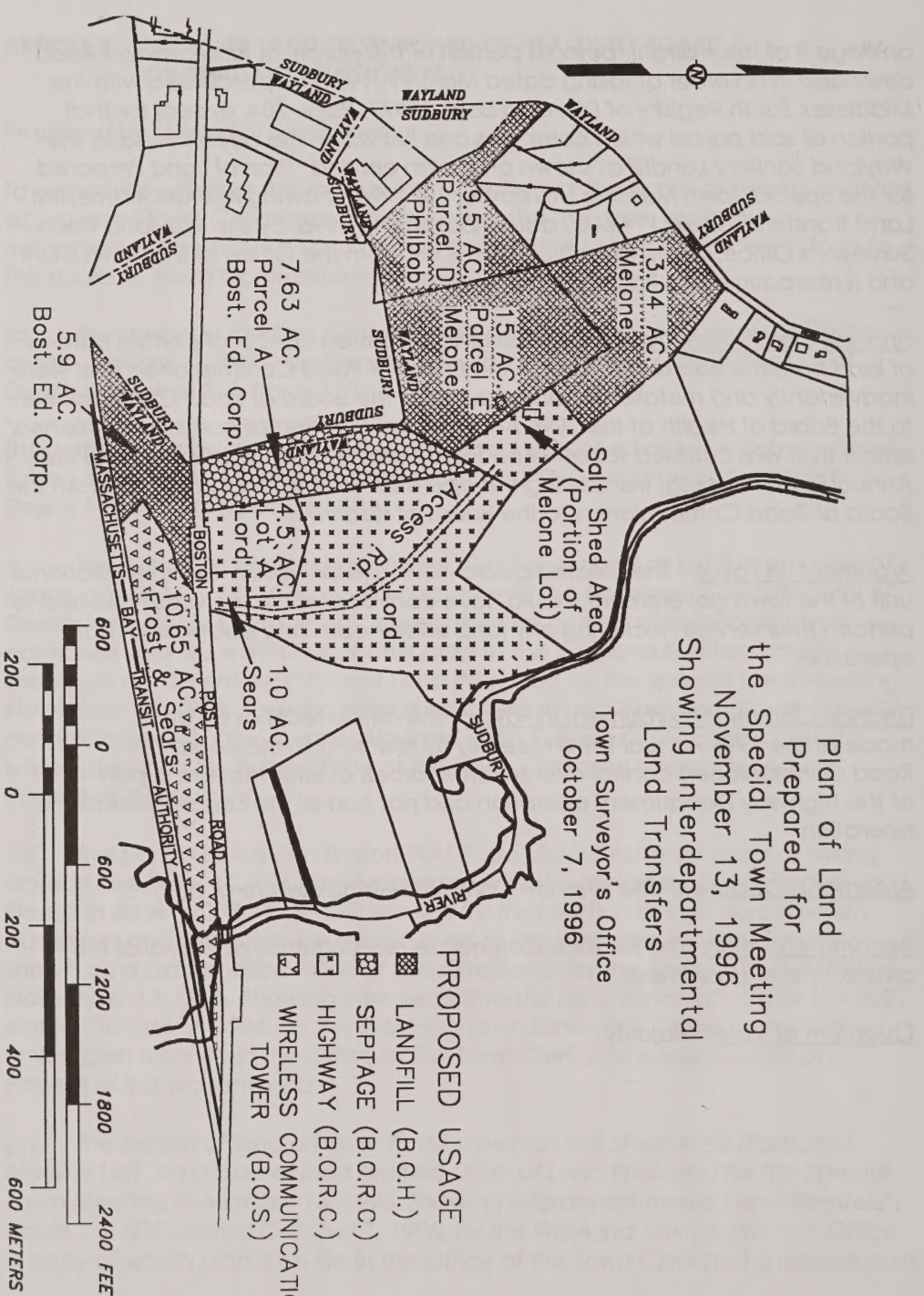
Argument in Favor: The elected board having responsibility for an operational unit of the town government should have control over the resources needed to perform their service, including any land underneath and essential to that operation.

Finance Committee Argument in Favor: This article rectifies an error made at the 1996 Annual Town Meeting by restoring to the Board of Road Commissioners control over several parcels of land that are a part of the Highway Department operation and not part of the Sandhill Landfill operation.

Arguments Opposed: The Finance Committee is not aware of any.

Recommendation: The Finance Committee recommends approval of this article. Vote: Unanimous.

Quantum of Vote: Majority.


Plan of Land
Prepared for
the Special Town Meeting
November 13, 1996
Showing Interdepartmental
Land Transfers
Town Surveyor's Office
October 7, 1996
PROPOSED USAGE
LANDFILL (B.O.H.)
SEPTAGE (B.O.R.C.)
HIGHWAY (B.O.R.C.)
WIRELESS COMMUNICATION TOWER (B.O.S.)
13.04 AC.
Melone
9.5 AC.
Parcel D
Philbo
15 AC.
Parcel E
Melone
Salt Shed Area
(Portion of
Melone Lot)
Access Rd.
Lord
7.63 AC.
Parcel A
Bost. Ed. Corp.
4.5 AC.
Lot A
Lord
1.0 AC.
Sears
10.65 AC.
Frost & Sears
5.9 AC.
Bost. Ed. Corp.
WAYLAND
SUDBURY
BOSTON POST ROAD
MASSACHUSETTS BAY TRANSIT AUTHORITY
RIVER
600 0 600 1200 1800 2400 FEET
200 0 200 400 600 METERS

ARTICLE 4: AMEND TOWN BY-LAWS RE: CONTROL OF DUMPS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend its General By-Laws by striking from Article 8., Section 2 thereof, the words "Road Commissioners" and inserting in place thereof the words "Board of Health".

Comments: This article corrects the wording in its General By-Laws to properly reflect a change in control pursuant to a petitioners' article that passed at the 1996 Annual Town Meeting which transferred the operation of the Sandhill Landfill from the Board of Road Commissioners to the Board of Health.

Arguments in Favor: This article corrects the Town's General By-Laws to reflect a change in control voted for at the 1996 Annual Town Meeting.

Arguments Opposed: The Finance Committee is not aware of any.

Recommendation: The Finance Committee recommends approval. Vote: Unanimous.

Quantum of Vote: Majority - see Massachusetts General Laws Chapter 40, Section 21.

ARTICLE 5: AMEND TOWN BY-LAWS RE: SOLID WASTE RECYCLING

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend its General By-Laws by striking from Article 33. thereof the words "Road Commissioners" and "Board of Road Commissioners" wherever they appear in said Article 33 and inserting in place thereof the words "Board of Health".

Comments: This article corrects the wording in its General By-Laws to properly reflect a change in control pursuant to a petitioners' article that passed at the 1996 Annual Town Meeting which transferred the operation of the Sandhill Landfill from the Board of Road Commissioners to the Board of Health.

Arguments in Favor: This article corrects the Town's General By-Laws to reflect a change in control voted for at the 1996 Annual Town Meeting.

Arguments Opposed: The Finance Committee is not aware of any.

Recommendation: The Finance Committee recommends approval. Vote: Unanimous.

Quantum of Vote: Majority - see Massachusetts General Laws Chapter 40, Section 21.

ARTICLE 6: ACQUIRE LAND OF DI CARLO

Proposed by: Board of Selectmen *Estimated Cost: Not yet determined*

To determine whether the Town will vote to authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, eminent domain, gift or otherwise, for landfill, highway or other municipal purposes, the fee or any lesser interest in all or any portion of the land shown as Lots 1 through 7 inclusive and the roadway shown as Southward Drive on a plan entitled "Definitive Southward Subdivision of Land in Wayland, Mass.", Scale 1" = 40', dated October 2, 1980, by Ewald Engineering Co., Inc., recorded with the Middlesex South Registry of Deeds as Plan No. 1127 (A-3) of 1986 in Book 17322, Page 122, a copy of which plan is on file in the Office of the Town Clerk; to determine whether the Town will vote to appropriate a sum of money for the acquisition of said land or interest therein; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing or otherwise.

Comments: The property abuts the landfill area. The town is currently in the process of implementing a gas mitigation construction project under the direction of the Department of Environmental Protection to prevent gas from moving onto this land. The town has been in discussion with the land owner for many years, seeking to buy the land if appropriately priced. An appraisal for the town is being done at this time.

Arguments in Favor: It may be possible to avoid some of the expense of the gas mitigation project if the land is acquired. In addition, there may be other values which could partially offset the price paid: gravel on the site could be used for town purposes, and some lots on River Road could be sold as building lots if the town chooses, after securing the land next to the landfill.

Arguments Opposed: Given all the needs for capital that face the town, this is not a high priority. We should fix the gas mitigation problem which would bring the town into compliance with the Department of Environmental Protection requirements.

Recommendation: Since the final appraisal of the land is not available at this time, the town has not decided on its course of action. The Finance Committee defers its recommendation on this article until the special town meeting.

Quantum of Vote: Two-thirds for exercise of purchase and eminent domain powers and for an appropriation to compensate the owner - see Massachusetts General Laws Chapter 40, Section 14; also, two-thirds for Borrowing - see Massachusetts General Laws Chapter 44, Section 7; and Majority for other appropriations and transfers of funds - see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B.

ARTICLE 7: FUND ROUTE 30 CORRIDOR TRAFFIC STUDY, BUILDOUT STUDY AND CURRENT & LONG TERM PLANNING STUDIES

Proposed by: Planning Board *Estimated Cost: $60,000.00*

To determine whether the Town will vote to appropriate $60,000.00 to be expended by the Planning Board to engage the services of a consultant or consultants for the purposes of: 1) conducting a corridor traffic study of Route 30 focusing on the entire Route 30 corridor within Wayland and adjacent roadways as they are or may be impacted by traffic-generating activities and developments within Wayland and within adjacent towns; 2) conducting a buildout study to include necessary data collection, to determine maximum residential/commercial buildout, and its impacts on the Town of Wayland; and 3) establishing the procedures and scheduling related to completing a planning study of Cochituate Village and planning for a future long term comprehensive planning study of the entire town; and to determine whether such appropriation shall be provided by taxation, transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, by gift, by grant, or otherwise.

Comments: This article seeks funding for three areas of activity: a traffic study of the Route 30 corridor, completion of a buildout study of Wayland, and the development of a plan of action for a planning study of Cochituate Village and/or the entire Town of Wayland.

1. *The Route 30 corridor traffic study will collect data about traffic entering and exiting Route 30 both in Wayland and adjacent to Wayland. These data will be analyzed by traffic specialists and presented to the Planning Board in a report. This information will assist the town in conducting ongoing planning for the Town and particularly for the Route 30 area. This is estimated to cost about $45,000.*

2. *The Planning Board has begun a buildout study of the town. Members of the Board and the Town Planner have done considerable work in identifying lots for potential development. These data will be passed on to the consultant for further analysis and completion of the study. This is estimated to cost about $5,000.*

3. *In contemplation of comprehensive planning for Cochituate Village and/or the entire town, the assistance of a consultant is needed to develop a plan of action for undertaking the study. The cost of that plan is not included in this article. This item will use the balance of the funds.*

It is contemplated that as much as $30,000 may be provided by funds allocated for traffic planning study by the Willow Brook Development project.

Arguments in Favor: Development in Wayland and adjacent to Wayland is placing increasing pressure on the town that is rising to crisis proportions. The services requested by this article will help the town to take planning actions.

Arguments Opposed: Will there be adequate value to the town in the work completed in these consulting services?

Recommendation: The Finance Committee recommends approval. Vote: Unanimous.

Quantum of Vote: Majority - see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds - see Chapter 44, Section 7.

ARTICLE 8: TRANSFER AND LEASE LAND FOR WIRELESS COMMUNICATIONS TOWER

Proposed by: Board of Selectmen

To determine whether the Town will vote:

(a) to instruct the Board of Health, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of all or a portion of the parcels of land on Boston Post Road described in an order of taking dated February 21, 1955, and recorded with the Middlesex South Registry of Deeds in Book 8428, Page 389, to the Board of Selectmen for the purpose of leasing all or a portion of said land to a company or companies which provide wireless communications services; and

(b) to authorize the Board of Selectmen, with the approval of Town Counsel as to form, to lease all or a portion of the above described land to a company or companies which provide wireless communications services.

Comments: By state law, towns are required to make land available for wireless communications towers. At Annual Town Meeting '96, the town voted into place restrictions on such towers. This article transfers land South of Route 20 currently controlled by the Board of Health to the Board of Selectmen so that the Board of Selectmen can lease this land to a company or companies that provide wireless communication services.

Arguments in Favor: Only the Board of Selectmen has the power to lease property. The landfill sites best meet the criteria for good siting, and the town must provide some land for this purpose.

Arguments Opposed: An environmental concern exists in that a tower on the proposed site may interfere with bird migration paths along the Sudbury River.

Recommendation: The Finance Committee recommends approval. Vote: Unanimous.

Quantum of Vote: (a) Two-thirds - see Massachusetts General Laws Chapter 40, Section 15A; (b) Majority - see Massachusetts General Laws Chapter 40, Section 3.

ARTICLE 9: PAY FISCAL YEAR 1996 UNPAID BILLS

Proposed by: Finance Committee *Estimated Cost: $30,115.33*

To determine whether the Town will vote to pay the following unpaid bills of Fiscal Year 1996:

Vendor	Invoice Date	Amount
Service Installation Repair	2/23/96	$ 521.18
Hudson Poly Bag	6/4/96	235.00
United Waste Systems	3/16/96	448.20
United Waste Systems	3/30/96	682.20
United Waste Systems	5/11/96	240.60
NYNEX - Telephone	8/95-6/96 - Town Office	8,472.40
NYNEX - Telephone	6/95-6/96 - School Dept.	6,825.09
NYNEX - Telephone	6/95-6/96 - Police & Fire	11,399.35
NYNEX - Telephone	6/95-6/96 - Library	1,291.31
	TOTAL	$30,115.33;

to determine whether the Town will vote to appropriate the sum of $30,115.33 to be expended by the Board of Health, Board of Selectmen, School Committee, Police Chief, Fire Chief and the Board of Library Trustees for the payment of the foregoing bills of Fiscal Year 1996; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated available funds, by transfer of funds already appropriated for another purpose, by borrowing or otherwise.

Comments: This article will approve payment of bills left unpaid at the close of FY96 business. The landfill bills were not presented for payment until after the books were closed for the year. The telephone installation costs were still in dispute at the close of the fiscal year. Source of funds: Free Cash.

Recommendation: The Finance Committee recommends approval.
Vote: 5 yes, 1 absent, 1 recused.

Quantum of Vote: Nine-tenths - see Massachusetts General Laws Chapter 44, Section 64.

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You are required to serve this Warrant by posting copies thereof, attested by you, at the Town Building, at the Public Library in Wayland Center, at the Cochituate Fire Station, and at the Happy Hollow School, and by mailing or delivering a copy thereof addressed to each residence in the Town, fourteen days, at least, before the time appointed for such meeting.

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before October 30, 1996.

Given under our hands and seals this 28th day of October, 1996.

Marcia P. Crowley, Chairman
Mary M. Antes, Vice Chairman
Dennis J. Berry
M. Randall Hoes
Susan W. Pope

Selectmen of the
Town of Wayland

Jeffrey Dieffenbach, Chairman
Alfred H. Bellows
Albert Patterson
Walter F. Pope
Lisa C. Schimmel
William R. Thompson
Katherine H. Tyrrell

Finance Committee
Town of Wayland

NOTES

VOLUNTEER TO SERVE YOUR TOWN

A variety of boards, committees and commissions exists to conduct the Town's business. Throughout the year new committees may be established and vacancies on existing boards occur. Any Wayland resident is eligible to be a member of these committees. If you are interested in serving on a committee in Wayland, please complete the form below and return it to:
Board of Selectmen, Town Building, 41 Cochituate Road, Wayland, MA 01778.

*NAME:*_____*TEL NO.:*_____

*ADDRESS:*_____

*OCCUPATION:*_____

*AREA OF EXPERTISE/INTEREST/KNOWLEDGE:*_____

*EXPERIENCE IN GOV'T: (If any; not required)*_____

INDICATE INTERESTS BELOW:

APPOINTED BOARDS - Membership on the following boards is by appointment of the Board of Selectmen or other officials. Most terms expire June 30, with new appointments or reappointments made around that time. Vacancies can, however, occur at any time.

_____*Board of Registrars*
_____*Conservation Commission*
_____*Council on Aging*
_____*Cultural Council*
_____*Finance Committee*
_____*Historical Commission*
_____*Historic District Commission*
_____*Housing Partnership*
_____*Information Systems Committee*
_____*Records Management Committee*
_____*Operational Review Committee (Treatment Plant)*
_____*Personnel Board*
_____*Public Ceremonies Committee*
_____*Road Construction Committee*
_____*Route 20 Study Committee*
_____*Surface Water Quality Committee*
_____*Wastewater Management Committee*
_____*Youth Advisory Committee*
_____*Zoning Board of Appeals*

ELECTED BOARDS - Membership on the following boards is determined by town-wide election. Occasionally, a mid-term vacancy occurs which is filled by appointment.

_____*Board of Assessors*
_____*Board of Health*
_____*Housing Authority*
_____*Park & Recreation Commission*
_____*Planning Board*
_____*Trustees of Public Library*
_____*Board of Road Commissioners*
_____*School Committee*
_____*Board of Selectmen*
_____*Trust Fund Commission*
_____*Water Commission*

GENERAL INTEREST - If you have a general interest in serving the community other than through the Boards already presented, list your special skills or interests below.

Surveys will be kept on file for one year. Respondents will be contacted if vacancies occur within that time.

NOTES

TOWN OF WAYLAND
Board of Selectmen
41 Cochituate Road
Wayland, MA 01778-2697

Bulk Rate
U. S. Postage
PAID
Permit No. 16
Wayland, MA

POSTAL PATRON
WAYLAND, MA 01778-2697